

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CARLOS DEMETRIUS SLOAN,
Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,¹
Defendant.

CASE NO. 2:16-cv-01327 JRC

ORDER ON UNOPPOSED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES, EXPENSES AND COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6). This matter is before the Court on plaintiff's Motion for EAJA Fees, Costs and Expenses (*see* Dkt. 17). Defendant has no objection to plaintiff's motion (*see* Dkt. 20).

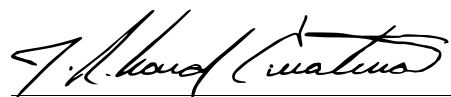
¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken, pursuant to the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), plaintiff’s motion (see Dkt. 17), the attorney declaration and time and expense itemizations (Dkt. 20, Attachments 2, 3, 4, 5), and the relevant record, it is hereby ORDERED that EAJA attorney’s fees of \$5,829.20 (which is for work performed by Jeffrey Baird in the amount of \$4,673.12, plus work performed by Elie Halpern in the amount of \$1,156.08) and expenses in the amount of \$5.30 (postage), shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

It is further ORDERED that costs in the amount of \$25.20 (photocopies) shall be awarded to plaintiff pursuant to 28 U.S.C. §1920.

The Acting Commissioner agrees to contact the Department of Treasury after the Order for EAJA fees, expenses and costs is entered to determine if the EAJA fees, expenses and costs are subject to any offset. If it is determined that plaintiff’s EAJA fees, expenses and costs are not subject to any offset allowed pursuant to the Department of the Treasury’s Offset Program, then the check for EAJA fees, expenses and costs shall be made payable to Elie Halpern, Esq., based on plaintiff’s assignment of these amounts to plaintiff’s attorney (see Federal Court Retainer Agreement, Dkt. 17, Attachment 6, p. 1). If there is an offset, the remainder shall be made payable to plaintiff, based on the practice of the Department of the Treasury (see, e.g., Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees, expenses and costs shall be mailed to plaintiff’s counsel, Elie Halpern, Esq., at Halpern Olivares, PLLC, 1800 Cooper Point Road SW, Bldg. 19, Olympia, WA 98502.

Dated this 27th day of March, 2017.



J. Richard Creatura
United States Magistrate Judge